

ATTACHMENT NO. 3

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

Plaintiff,) CASE NO.
)
) JUDGE BENITA Y. PEARSON
)
v.) DISCOVERY PLAN
)
) (See [Fed. R. Civ. P. 26\(f\)](#)
Defendant.) and [LR 16.3\(b\)\(3\)](#))

1. Pursuant to [Fed. R. Civ. P. 26\(f\)](#) and [LR 16.3\(b\)\(3\)](#), a meeting was held on _____, 20____, at _____ and was attended by:

_____ counsel for plaintiff(s) _____
_____ counsel for plaintiff(s) _____
_____ counsel for defendant(s) _____
_____ counsel for defendant(s) _____

2. The parties recommend the following track:

_____ Expedited _____ Standard _____ Administrative
_____ Complex _____ Mass Tort

3. This case is suitable for one or more of the following Alternative Dispute Resolution (“ADR”) mechanisms:

_____ Early Neutral Evaluation _____ Summary Jury Trial
_____ Mediation _____ Summary Bench Trial
_____ Arbitration _____ Case is not suitable for ADR
at this time

THIS DISCOVERY PLAN MUST BE FILED 5 CALENDAR DAYS BEFORE THE CMC

**Lead counsel and clients must attend CMC
unless explicitly excused. This applies to
telephonically held CMC's.**

4. The parties ____ do/ ____ do not consent to the jurisdiction of the United States Magistrate Judge pursuant to [28 U.S.C. § 636\(c\)](#).

5. Initial Disclosures: (check one)

____ a) Plaintiff made initial disclosures on _____
and all other parties made initial disclosures on _____.

Objections to initial disclosures under [Fed. R. Civ. P. 26\(a\)\(1\)](#) ____ are/ ____ are not made. If there are objections, they are specified along with the identity of the objecting party in an appendix to this Discovery Plan. The objecting party requests that the Court rule with respect to these disclosures at the Case Management Conference.

____ b) Initial Discovery Protocols were entered in this case:

i) The plaintiff's Initial Discovery was provided on _____.

ii) The defendant's Initial Discovery was provided on _____.

____ c) This is an ERISA case and does not require initial disclosures. *See* ¶ 6 for suggested briefing schedule.

6. Subsequent proceedings (for ERISA cases):

a) Defendant shall file the entire administrative record by _____.

b) Plaintiff shall file the opening brief contemplated by [Wilkins v. Baptist Healthcare System, Inc.](#), 150 F.3d 609, 619 (6th Cir. 1998) (Gilman, J., concurring) by _____.

c) Defendant shall respond by _____.

d) Plaintiff shall reply by _____.

e) There shall be no discovery in this case except as set forth in *Wilkins*.

7. Subsequent proceedings (for non-ERISA cases):

a) Recommended Discovery Plan: Describe the subjects on which discovery is to be sought and the nature and extent of discovery, including any limitation on the number of interrogatories, the number and/or length of depositions, and/or the number of requests for admission.

b) The parties (indicate one):

_____ agree that there will be no discovery of electronically-stored information; or

_____ have agreed to a method for conducting discovery of electronically-stored information; or

_____ have agreed to follow the default standard for discovery of electronically-stored information ([Appendix K to N.D. Ohio Local Rules](#)).

c) The parties _____ have/ _____ have not reached an agreement regarding the handling of disclosed privileged material. See [Fed. R. Civ. P. 16\(b\)\(3\)\(B\)\(iv\)](#). If the parties have reached an agreement for asserting claims of privilege or of protection as trial-preparation material after information is produced, please provide the agreement, including agreements reached under [Fed. R. Evid. 502](#).

d) Discovery cut-off date: _____.

- e) Recommended dispositive motion date: _____.
- f) Recommended cut-off for amending the pleadings and/or adding additional parties: _____.
- g) Recommended date for a Status Conference: _____.

8. Other matters for the attention of the Court:

Attorney for Plaintiff(s) _____

Attorney for Plaintiff(s) _____

Attorney for Defendant(s) _____

Attorney for Defendant(s) _____

Objections, if any, to initial disclosures are appended.